

Before the Independent Hearing Commissioner at Wairarapa

Under the Resource Management Act 1991 (the **RMA**)

In the matter of an application for resource consent by Woolworths New Zealand Ltd to undertake demolition of a building, undertake new building, alterations, and additions and to establish a sign exceeding the maximum size within the Greytown Historic Heritage Precinct; establish an additional vehicle crossing to State Highway 2 (Main Street) Greytown and to undertake associated landscaping and site works.

Between **Woolworths New Zealand Limited**
Applicant

And **South Wairarapa District Council**
Consent Authority

Statement of evidence of Kathryn Therese St Amand on behalf of Waka Kotahi New Zealand Transport Agency Planning

Dated: 22 September 2023

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1 Summary of evidence

- 1.1 In short, the Applicant is seeking resource consent to demolish an existing dwelling and existing on site landscaping and, in its place, construct a loading bay extension to the rear of the existing FreshChoice supermarket building that will be accessed from the Main Street frontage of the property via a new proposed vehicle access. The new vehicle access will be used by customers and delivery vehicles. A new pedestrian and cycle connection will be created along the southern side boundary. The balance of the site will be landscaped, and a new free-standing sign erected at the new site entrance.
- 1.2 Existing on site activities consist of a dwelling on the Main Street frontage and the FreshChoice supermarket facing north towards the West Street Frontage. The supermarket does not currently occupy the Main Street portion of the site. The existing dwelling and trees obscure the supermarket building and activity so it has no visible street presence on the Main Street frontage. There are two existing vehicle access points used by customers and delivery vehicles, one on each of the West and Hastwell Street frontages.
- 1.3 The proposal will open the Main Street frontage so that the supermarket building will be highly visible from Main Street down the width of the proposed 8.3m wide delivery vehicle access and 8.3m-13m wide driveway sweeping across the site. The driveway then narrows to 5m between the southern side boundary and loading area.
- 1.4 Reading from the corporate evidence of Mr Shao¹, Woolworths consider it is unusual to have a supermarket without a main street frontage in the town and the existing loading arrangements are constrained, the proposals objectives are therefore to:
 - a) *Improve access and on-site manoeuvring for loading vehicles, and*
 - b) *Improve awareness of the supermarket and allow customers to access it directly from Main Street.*
- 1.5 What the proposal does is shift the very low numbers of pedestrian and delivery truck conflicts from within the site to within the public road and street, creating increased conflicts in a public space where they cannot be as effectively managed as they can be on site. These effects would create new safety issues for the public that currently do not exist, and which would be difficult to mitigate.

¹ Shao evidence in chief paragraph 1.3-1.4.

- 1.6 A vehicle crossing of the width and type proposed would set a precedent for the Main Street of Greytown and would in my view, coupled with the introduction of the proposed built development and loading bay activity, appear out of context with the streetscape and surrounding land uses.
- 1.7 Establishing a pedestrian and cycle connection between Main Street through to the front of the supermarket would provide a beneficial connection in the transport network and would be consistent with other such connections on Main Street. The design of the connection however has not been reviewed against the National Guidelines for Crime Prevention through Environmental Design (CPTED), and in my view the proposal would benefit from such a review. **Mr Church** also supports a pedestrian connection to Main Street, provided the design is improved to provide a safer route (between West Street and Main Street) for those using the proposed connection.
- 1.8 Having considered all the material available, it is my opinion that overall, the proposed activity would result in adverse effects on the safety and use of SH2 road and the street (footpath) that do not currently exist, and which have not been sufficiently remedied or mitigated. Because of which, and because the proposal does not achieve permitted activity standards and conditions for the access, I consider the proposal is contrary to several objectives and policies of the WCDP. The key design features of the proposed access do not satisfactorily mitigate the safety or operational effects on SH2 or the street (footpath).
- 1.9 Guided by the available heritage assessments, Appendix 8, assessment criteria, and objectives and policies of the WCDP, and the One Network Framework Activity Street categorisation advised by Waka Kotahi, I also consider the proposal is unanticipated in this location and insufficiently mitigates the effects on historic heritage values of the wider locality and street context amongst existing shop frontages and verandas, and the character and amenity of the Greytown town centre. A site development, a key feature of which is a sweeping driveway and high vehicle movements across the site, is at odds with Appendix 8 of the District Plan which describes the Main Street of Greytown as '*the most complete wooden Victorian main Street in New Zealand*'. I do not consider that the 70cm reduction in width of the vehicle access, retention of the Copper Beech tree, proposed landscaping, and retention of the existing front boundary wall, when taken together, will mitigate the setback and appearance of proposed buildings within a character area, nor the openness created by hard stand driveways to loading dock and carpark areas. Furthermore, the proposal would influence the setting of protected heritage

buildings² located alongside and the wider context of the Historic Heritage Precinct (HHP).

1.10 Based on all effects of the proposal, the development not meeting many assessment criteria and objectives and policies of the WCDP, the lack of mitigation offered in the application and the lack of any assessment of alternatives, I consider that the application is not supported by the planning and legal framework.

1.11 Should the Commissioner find reasons to grant consent, it is my opinion that to address the impacts of the proposal on the state highway road and street environment, and on the HHP and the character, streetscape and amenity values of Greytown, changes are required to the proposal. I set my proposed changes out below, in order of preference.

First preference (remedy):

- Any access from the Main Street frontage should be designed for pedestrians and cyclists only, and consideration given to connection to West Street.
- There should be no vehicle entry or exit provided from the Main Street, SH2 frontage.
- The loading dock area should be designed to accommodate deliveries from the Hastwell and West Street entrances only, including by making onsite changes to the existing carpark layout on the southern boundary as suggested by **Mr Church**.
- Woolworths consider options for developing a shopfront store as an extension to the FreshChoice supermarket instead of a vehicle access (acknowledging this would require a new consent application). Such a development has the potential to add value to the streetscape in line with expectations of the Greytown Heritage Guide³ and district plan objectives and policies. This approach to development would also provide FreshChoice with the opportunity for a high level of street presence with a shopfront and appropriately designed signage on any future building. In my view, all the planning and heritage guidance for developments in the HHP and the commercial zone of the WCDP indicate this type of approach would be anticipated. Acknowledging this option is quite different from what is proposed and would be out of scope of the proposal, this could not be required by conditions of resource consent.

² Buildings located at 132 Main Street (district plan appendix 1.7 ref. Hs087).

³ South Wairarapa Heritage Design Guides; Heritage Guide – Greytown.

Second preference (mitigate):

Following the advice of **Mr Church** and his proposed alternative option:

- significantly reduce the amount of traffic using the proposed access by requiring it to be for delivery vehicles only.
- Change the direction of the traffic using the access to egress only, thus allowing the access to be narrowed to 6m.
- Design the access for pedestrian priority in accordance with driveways guidance⁴ issued by Waka Kotahi.
- The customer pedestrian and cycle connections are made from the footpath of Main Street.
- Should this option be pursued, detailed design plans for a delivery vehicle egress only arrangement could be provided for comment and assessment, based upon the 'for discussion' set of plans prepared by Flow Transportation. Such plans would need to address any deficiencies in the vehicle access and should be accompanied by a Traffic/Delivery Vehicle Management Plan to ensure delivery vehicles are driven to and from the site in a manner that remedies and mitigates the traffic and safety effects. The management plan should include the matters detailed by **Mr Church** in his evidence.

1.12 The applicant would need to consider options for development on the balance of the Main Street frontage no longer required for the sweeping customer driveway. This could include the development of additional public space to compliment the shared path in accordance with guidelines on Crime Prevention through Environmental Design (CPTED), or the establishment of other buildings so long as the share path could meet CPTED guidelines.

1.13 I do not prefer the alternative mitigation theorised by **Mr Church**⁵ in responding to suggested conditions of consent, which involves restricting the proposed access to left in turns and introducing a raised median island in the state highway to achieve that. This way forward would not narrow the width of the access or the driveways

⁴ https://www.nzta.govt.nz/walking-cycling-and-public-transport/walking/walking-standards-and-guidelines/pedestrian-network-guidance/design/paths/footpath-design-other-elements/driveways/#_ftn2

⁵ Church evidence in chief para 11.13.

serving the site; and would include significant changes to the road environment for which there are no design plans for consideration.

2 Qualifications and experience

- 2.1 My full name is Kathryn Therese St Amand. I am a planning consultant and director of Farwest Consultants Ltd. I hold the qualifications of a Bachelor of Resource and Environmental Planning from Massey University. I am a certified Hearing Commissioner, having completed the MfE Making Good Decisions training. I am a full member of the New Zealand Planning Institute.
- 2.2 I have over 26 years' experience in planning practice, during which time I have undertaken a broad range of regulatory planning work in the public sector formerly working at Dunedin, Wellington, and Porirua City Council's; and in private consultancy at Harrison Grierson Ltd. and Burtons Planning Ltd. I have also acted in a voluntary capacity for community groups, not for profit organisations and clubs seeking planning assistance, advice, and resource consents. In my experience over these years, I have written and reviewed assessments for numerous resource consents covering a wide variety of resource management issues including urban design, heritage, landscape, transport, a wide variety of land use activities, hazardous substances, subdivision, and discharges.
- 2.3 Since 2015 I have run a sole practitioner planning consultancy (Farwest Consultants Ltd) and been periodically engaged under contract by Waka Kotahi NZ Transport Agency (**Waka Kotahi**) to provide planning expertise across a range of regulatory issues and legislation governing the use and management of the state highway network. Whilst not an employee of Waka Kotahi, because of holding several contracts over time, I have specific and relevant experience in dealing with road and transport infrastructure and transport issues as they relate to the integrated planning of land use and resource management considerations.
- 2.4 On this occasion I have been engaged by Waka Kotahi to provide planning expertise in respect of the resource consent application for a new sign and vehicle access from State Highway 2 (**SH2**) at 134 Main Street, to access the existing FreshChoice supermarket located on the corner of Hastwell and West Streets in Greytown.

3 Code of conduct

- 3.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2023. I have complied with the practice note

when preparing my written statement of evidence and will do so when I give oral evidence before the Commissioners.

- 3.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence.
- 3.3 Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

4 Scope of evidence

- 4.1 My evidence relates to the proposal by Woolworths New Zealand Ltd. (**the applicant**).
- 4.2 My evidence is generally confined to those matters that are the subject of the Waka Kotahi submission and matters where my professional opinion differs from those presented in the Application documentation including the Assessment of Effects (**AEE**) and appendices containing a traffic report by Commute Transportation Consultants, and heritage report by Richard Knott Limited.
- 4.3 In preparing my evidence I undertook a site visit on Tuesday, 5 September 2023, visiting the site in both the mid-morning and early afternoon. I have considered the following:
- Council's Section 42A Hearings Report (**s42A Report**), including the transport assessment completed by traffic engineer Ms Harriet Fraser, and the heritage assessment completed by Mr Ian Bowman.
 - Expert traffic engineering evidence of Mr Leo Hills; expert planning evidence of Ms Kay Panther Knott, and corporate evidence of Mr Daniel Shao on behalf of Woolworths.
- 4.4 I rely upon the evidence and opinions of:
- Waka Kotahi filed in the corporate evidence of Ms Roxanne Hilliard; and
 - Mr Terry Church Traffic Engineer from Flow Transportation Ltd, filed for Waka Kotahi
 - My evidence is structured as follows:

- Summary
- Activity status and consent requirements
- Framework for decision making
- Application site and the wider transport context and receiving road environment
- Assessment of effects on the environment
- Objectives and policies of the relevant plan
- Part 2 RMA considerations
- Conclusion

5 Activity Status and Consent Requirements

Proposal

5.1 My understanding of the scope of the proposal outlined in the applications documents is:

- To construct and operate a new access from 134 Main Street, SH2, to the existing FreshChoice supermarket for both customer and service vehicles, alongside associated signage, and landscaping.⁶
- Demolition of existing building (dwelling).
- Additions and alteration to the rear, southern end of the existing supermarket building for the service delivery and loading area; shown on the architectural plans by Woodhams Meikle Zhan Architects as:
 - 5m+ tall, cantilevered canopy cover attached to the existing building.
 - An extended loading bay which is approximately 312m² in area.
 - A loading bay perimeter wall and gates which is 13m wide x 24m long x 2.4m high; and
 - all development is located 27.8m back from the Main Street frontage.

⁶ Application section 2 page 3.

- Construction of a new 8.3m-9.8m wide entry only vehicle access from Main Street, SH2 and the associated removal of two kerbside carparks.
- Truck and trailer delivery vehicles are to arrive at the access and turn *left* into the new access (controlled by site management plans). All other vehicles could make right or left hand turns into the access.
- Construction of an 8.3m – 13m wide driveway for customers and delivery vehicles, narrowing to 5m alongside the loading bay area for customers to access the carparking area on the other side of the site.
- Construction of a new 2m wide share pathway from Main Street, SH2, for pedestrian and cyclists.
- Construction of a 2.4m tall acoustic wall along the southern boundary of the site.
- Installation of a new externally lit, free standing sign at the Main Street frontage, 3.6m tall and 1.8m wide.
- An existing copper beech tree and most of an existing low level front boundary wall will remain.
- Associated landscaping.
- Restricting vehicle movements for large truck and trailer units to turn left in only.

5.2 I note that SWDC has issued a certificate of compliance for the permitted activity removal of the Copper Beech tree on site. I agree removal of the tree is a permitted activity. If this consent application is granted however, the Copper Beech tree has been relied upon as mitigation of the adverse effects of the proposal on the HHP and streetscape.

5.3 I am unclear on the design of the proposed access and how the pedestrian priority on the footpath will be maintained. The evidence of **Ms Hilliard**⁷ and that of **Mr Church**⁸ each identify relevant design guidance and standards for accesses, which the application does not consider. I note the guidance for driveway access⁹ advises that intersection type access, where vehicles are given priority over

⁷ Hilliard evidence in chief paragraphs 6.1 – 6.12.

⁸ Church evidence in chief section 8 Assessment criteria for new vehicle access.

⁹ <https://www.nzta.govt.nz/walking-cycling-and-public-transport/walking/walking-standards-and-guidelines/pedestrian-network-guidance/design/paths/footpath-design-other-elements/driveways/>

pedestrians, is inappropriate where there is an established place function, such as there is on Main Street. On the other hand, the proposed access constitutes the need for an *intersection* type access by virtue of the high vehicle numbers that will use it and the high volume of traffic on the state highway.

- 5.4 The illustration below is from the Waka Kotahi driveway guidance that **Ms Hillard** refers to;¹⁰ it shows two options, one maintaining vehicle thoroughfare and one maintaining pedestrian thoroughfare on the footpath (**Figure 1**). The Applicant maintains that pedestrian priority will be maintained, for which I would expect to see a continuous footpath surface as in the example on the left below. However, all application plans show a full depth (kerb to boundary) driveway splay giving vehicles priority.

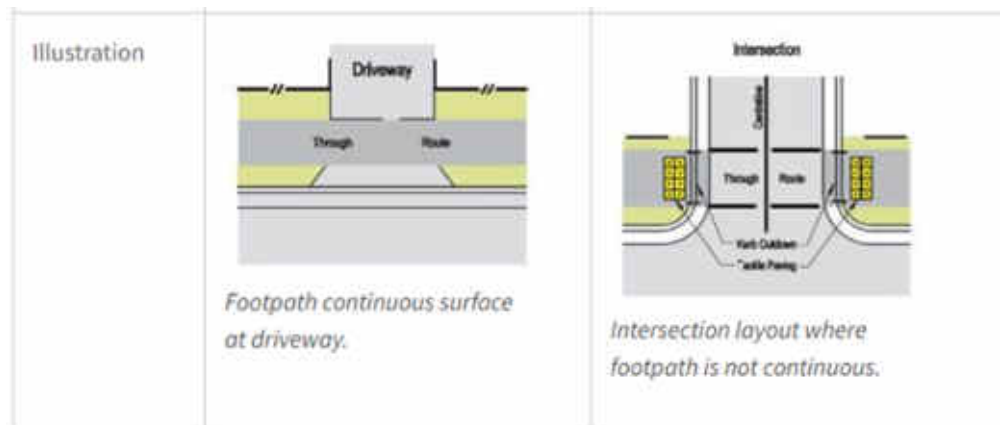


Figure 1: illustration of different footpath surfaces

- 5.5 It is unclear how the access will be designed to give pedestrians priority *and* cater for the level of traffic and heavy freight trucks. Therefore, I consider that the effects on the street and footpath cannot be properly assessed.
- 5.6 It is my opinion that, as a key component of the proposal for which consent is sought, a more detailed design of the access and footpath should be provided by the applicant to aid in the assessment of the proposal and its effects on the street and function of the state highway. For clarity, such plans do not need be a detailed design

¹⁰ <https://www.nzta.govt.nz/walking-cycling-and-public-transport/walking/walking-standards-and-guidelines/pedestrian-network-guidance/design/paths/footpath-design-other-elements/driveways/>

set for construction, but should be sufficiently detailed to determine whether the footpath has the priority or the driveway as the priority.

- 5.7 I am also unclear on the components of the proposed landscaping aside from retention of the Copper Beech tree due to the lack of detail provided by the applicant. As a key mitigation feature, I consider additional information would be useful.
- 5.8 Lastly, it is unclear from the information provided by the applicant if the pedestrian path proposed would achieve the National Guidelines for Crime Prevention Through Environment Design, published by the Ministry of Justice. Additional details on this aspect of the proposal would be useful, especially if the height of landscape planting has an influence on this design.

Site Background

- 5.9 The AEE, the s42A report, and the evidence of Mr Shao traverse the consent history of the application site. As all earlier consents are either lapsed or have been withdrawn, I agree with the s42A report¹¹ that they have no legal status and therefore the earlier granted consent does not form part of the environment against which this application is assessed. The assessment of this application therefore is afresh as if those consents had never existed, accordingly the earlier consents granted have no relevance to the planning assessment of this proposal.

Relevant plans, zones, and planning map notations.

- 5.10 The application site sits across three zones of the Wairarapa Combined District Plan (**WCDP**), being the Residential, Commercial, and Industrial zones. The HHP sits across the Commercial and some of the Industrial portions of the application site. The existing supermarket and associated car park activity is already established across all zones and a portion of the HHP.
- 5.11 The proposed building additions and extensions fall within the commercial and residential zones and are almost entirely within the HHP area. Figure 3 on pg. 8 of the application, helpfully shows the zones relative to the application site.

Heritage:

- 5.12 The site is located within a Historic Heritage Precinct (**HHP**) identified in Appendix 1.8 of the WCDP. All proposed works within the commercial zone portion of the site, and a portion of the existing building sitting on the industrial zoned portion of the site, fall within the HHP. As well as there being specific district wide rules applying in the

¹¹ S42A report, paragraph 15.

HHP, Appendix 8 of the WCDP provides guidance on assessing proposals in the HHP (see **Appendix A**).

Transport:

- 5.13 The site fronts State Highway 2 (**SH2**) which is designated Ds076. The designation abuts the application site front boundary.
- 5.14 Appendix 5 Requirements for roads, access, parking, and loading, identifies SH2 as a Strategic Arterial Road under section 32.1.2 Roding Hierarchy, described as follows:
- Strategic Arterial – Road which forms part of the network of nationally or regionally important arterial routes that predominantly carry through traffic and the major traffic movements in and out of the District.***
- 5.15 A primary function of SH2 and Main Street, therefore, is to facilitate traffic driving through Greytown.

Consent requirements

- 5.16 I understand from the AEE¹² the application is for all matters requiring consent, irrespective of those applied for. Whilst I accept the s42A Report findings in relation to the Discretionary Activity status of the proposal,¹³ I consider there are three further matters requiring consent in respect of the access standards, and in respect of the proposed building works within a HHP. Whilst these additional matters do not change the discretionary activity status of the proposal, they do link to assessment criteria under section 22 of the WCDP, which have not been considered in the context of matters giving rise to consent.
- 5.17 Before outlining the additional matters that I consider require consent, it clarifies reading of the provisions of those requirements to firstly consider the definition of **Standard** in the District Plan (emphasis added):
- Standard refers to the requirements for permitted activities to meet acceptable levels of environmental effect, and includes conditions and terms. Development standards relate to the effects of physical aspects of land uses, such as buildings and roading, while performance standards relate to the effects of the operational aspects of activities, such as noise and light.***
- 5.18 Reading the above makes it clear that some of the standards will include conditions and terms, as well as the likes of industry standards such as New Zealand Standard

¹² Assessment of Environmental Effects, Section 6.3 by Forme Planning

¹³ S42A Report paragraph 20.

NZS:4404 used to guide the engineering design for land development and subdivision, for example.

Additional access standards not met and requiring consent:

5.19 A restricted discretionary activity resource consent is required under district wide **Rule 21.4.14(a)** for failing to achieve the permitted activity standards of district wide rule **21.1.25 Roads, Access, Parking and Loading Areas** as follows:

- A new access (or intersection) onto the state highway that does not meet the **district wide rule 21.1.25(a)** requiring compliance with Appendix 5 Requirements for roads, access, parking, and loading. The proposal fails to achieve the following standards of Appendix 5:

Standard 32.1.4 requires two relevant matters to be achieved:

- i. That the *accessway ... shall be designed to ensure sufficient sight distances and safety, having regard to expected traffic volumes and speeds on approach roads*. Considering the application details, the s42A report, and the advice of Ms Fraser, and the evidence of **Mr Church**, the access design in its proposed location and use would not be safe in a state highway environment with a traffic count of over 10,000 vehicles per day. The applicant has not provided any mitigation for the safety concerns. Accordingly, I find this condition of Appendix 5 is not met.
- ii. That *where it is proposed to create a vehicle access or road intersection with any State Highway, the applicant shall obtain the approval of New Zealand Transport Agency. Intersections with State Highway shall meet New Zealand Transport Agency requirements*. According to the evidence of **Ms Hilliard**, Waka Kotahi has not approved of the proposed access and has advised the proposal does not meet appropriate standards. Accordingly, I find this condition of Appendix 5 is not met.

And

- A new access (or intersection) that does not meet the requirements of district wide rule **21.1.25(b)(i)**, which requires all sites to have 'safe and practicable' access. Relying on the s42A officers report in the traffic assessment by Ms Fraser, and the evidence of **Mr Church**, for the reasons given above I conclude that the proposed access is not safe and therefore does not meet this standard.

Heritage rules requiring resource consent:

5.20 As well as requiring resource consent for the demolition of the existing house, Discretionary activity resource consent is expressly required under district wide **Rule 21.6(g)(ii)** for the '*alteration, addition or reconstruction of any buildings*' within the HHP area. All extensions and alterations including the reconfigured loading dock area, permitter wall and cantilevered canopy structure are attached to a part of the existing FreshChoice building located within the HHP area (including that part of the building sitting within the Industrial Zone). Accordingly, I find that the proposed building extensions are an alteration and addition to an existing building to which Rule 21.6(g)(ii) applies, irrespective of whether the FreshChoice building is not a listed or protected heritage building.

5.21 Based on the above assessments, and the assessment in the s42A report, I do not concur with the application of a permitted baseline argument suggested by Ms Knight (except for the copper beech tree), or the rule assessments put forward in the application AEE¹⁴, and further expanded upon in the evidence of Ms Knight. I address the contested matters for consent below in relation to the sign, building and access.

5.22 To assist with the interpretation of WCDP rules and clarify their application, I have turned to the definition of 'site' in the district plan, which several of the rules and standards rely on for application:

Site – means any area of land comprised wholly in one Certificate of Title, or the titles of an activity if it occurs over more than one title.

5.23 I am therefore of the opinion that where rules and standards in the district plan refer to 'site', in the context of this application, the site includes all the land which the FreshChoice supermarket proposes to occupy, being the land contained in various titles fronting West, Hastwell and Main Streets.

Therefore:

- a. The proposed **signs** require restricted discretionary activity consent under **Rule 6.5.5(b)** as there will be more than one free standing sign on the application site.
- b. The proposed **access** would be the third access to the application site and I concur with the s42A report findings that this access does not meet the standards for roads, access, parking and loading standards in Appendix 5, which

¹⁴ Assessment of Environmental Effects – section 8, pg. 21

supersede standard 6.5.2(g)(ii) in the commercial zone. I disagree with Ms Knight¹⁵ that application of this rule to the proposal is “counter-intuitive”. The standard expressly applies to activities that extend across several road frontages and seeks to restrict access to one road frontage only, presumably to control the effects of traffic which is effectively what it achieves. As the supermarket has two other road frontages and two other established vehicle accesses from those frontages, the parcel of land within the application site fronting Main Street will not become landlocked as suggested by Ms Knight. The supermarket activities occurring on the Main Street front portion of the application site have unimpeded access to the Hastwell and West Street accesses, and in fact the proposal relies upon those access points on those frontages; the Main Street portion of the site therefore is not landlocked. Furthermore, if FreshChoice did not occupy (rather than not own), the land at 134 Main Street, and that property continued to be occupied by a different activity, it would cease to be part of the FreshChoice ‘site’ and have one frontage entitled to an access to Main Street in accordance with District Plan standards, as is currently the case. Accordingly, I find that application of the standard is appropriate, and restricted discretionary activity consent is required for the access under **Rule 6.5.5(b)** because the proposal involves a third site access where only one is permitted.

- c. In terms of the **loading bay** requiring discretionary activity consent under residential area **Rule 5.5.5(a)**, I concur with the s42A report¹⁶ that consent is required. Irrespective of the loading bay reducing in size within the portion of site zoned residential as pointed out by Ms Knight¹⁷, a portion of it still appears to sit over that zone. The loading bay and supermarket it supports is a commercial activity still partially within a residential area, the overall size and scale of which is increasing under this proposal beyond that which already exists and so I find the commercial aspects of the proposal within a residential area are not the same as already consented and must obtain consent for a commercial activity in a residential area.
- d. I accept the evidence of Ms Knott¹⁸ that the proposed **loading bay** design and layout achieves district wide permitted activity standard **21.1.25(c)(i)(2)** for parking and loading; and that the screening of the loading bay area meets with commercial zone standard **6.5.2(h)** to screen loading areas in view from a residential area, irrespective of the fact the configuration has changed. The

¹⁵ Knight evidence in chief para 6.12(b).

¹⁶ S42A Report para 20, pg.6

¹⁷ Knight evidence in chief para.6.12 (d).

¹⁸ Knight evidence in chief para 6.12 (c).

access which the loading bay relies upon however is not permitted and requires restricted discretionary activity resource consent under **Rule 6.5.5(b)**. Furthermore, the proposed building additions and alterations creating the loading bay require discretionary activity resource consent under **Rule 21.6(g)(ii)** being building additions and extensions within an HHP; and require consent for a commercial activity in a residential area. As a result of all these other consent requirements I consider the **loading bay** requires resource consent as a discretionary activity and cannot simply rely on the district wide design standard 21.1.25(c)(i)(2) to establish as a permitted activity.

5.24 The above additional observations for resource consent requirements do not change the Discretionary Activity status applied to the proposal, but in my view do affect the way in which the effects of the proposal are assessed. There are no permitted activity baseline effects on the existing environment in relation to the proposal to consider, and each part of the proposal relies upon the grant of resource consents for which the WCDP has specific assessment criteria under Section 22 of the WCDP, including:

- Criteria 22.1.4 for Historic Heritage Precinct
- Criteria 22.1.16 for Roads, Intersections, Access & Loading Areas
- Criteria 22.2.10 for Signs
- Appendix 8 South Wairarapa Town Centres Design Guide including section 35.1.7 Alterations and Additions to Existing Buildings; and interrelatedly section 32.1.6 guidelines for new construction; and section 35.1.8 Signs.

5.25 For clarity and ease of reference I have included a full list of all the matters requiring consent in **Appendix B**.

6 Framework for Decision Making

6.1 Section 104 of the RMA sets out the matters that must be considered in assessing a proposal for resource consent. S104(1) requires consideration of:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of—

- (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.2 When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. I note in accordance with my earlier assessment, there are no permitted baseline effects to be considered aside from the removal of the Copper Beech tree. Even if a permitted baseline did exist, the Commissioner would have a discretion as to whether to apply it.

6.3 In relying on what, in my opinion, is an incorrect assessment of certain parts of the proposal being a permitted activity or achieving district plan standards for access, the AEE and subsequent evidence of Ms Knight, Mr Hills and Mr Knott do not:

- satisfactorily assess all the of effects of the proposal on the environment; or
- consider alternative options that might have fewer environmental effects on both the safety and function of Main Street and the values of the HHP and the streetscape, character and amenity values of Greytown.

6.4 In accordance with the Fourth Schedule of the RMA, I find that these assessments fall short of the requirements of clause 6, and the assessment under section 104(1)(a) and (1)(b) would benefit from additional information provided by the applicant including an actual design of the access proposed; an assessment of alternative ways of carrying out the activity (including other ways to address the health and safety effects of delivery vehicles on site), and other ways to address the lack of state highway presence of the supermarket from Main Street.

6.5 Section 104(1)(c) provides for the consideration of any other matter of relevance and reasonably necessary to determine the application. In my **Appendix A** I provide a

list of guidance and assessment documents that I consider to be necessary in the determination of the application.

- 6.6 Section 104B of the RMA applies to discretionary activities and after considering the application under s104, a consent authority:
- a. May grant or refuse the application; and
 - b. If it grants the application, may impose conditions under s108 and s108AA of the RMA.

7 Application site, wider context, and the receiving road environment

- 7.1 In my view the context of the Main Street frontage of the site can be thought of in two interrelated ways; with a pedestrian perspective in its street sense including the footpath, shop frontages and pedestrian crossings connecting activities from each side of the road; and with a motorist's perspective in its road sense including traffic lanes, accesses, road signs and function of the state highway as a thoroughfare for traffic travelling through Greytown (from place to place). See **Figure 2** below.





Figure 2: pedestrian and motorist views from the same point on Main Street looking towards the application site from outside 138 Main Street; Greyfriars 4.5m wide vehicle access. Source: street view photographed on site visit Tuesday 5th September; road view from Google Maps 2022.

- 7.2 In terms of a description of the application site and its immediate surrounds, I agree with the site and locality description offered by Ms Johns¹⁹ in the s42A report, and whilst I accept that the application site is in an area containing both residential and commercial activities, I consider the site on its Main Street frontage is situated within a mixed environment with interposed commercial, public space, public buildings and residential activities. The application site Main Street frontage is however located between two commercial shop frontages which edge the street.
- 7.3 In view from the nearby residential zoned areas on West Street, the site appears as a well-established commercial activity abutting a residential area, irrespective of the underlying residential and industrial zonings of portions of the site.
- 7.4 The road function of the state highway is identified in the district plan as a Strategic Arterial Road the predominant function of which is to carry through traffic. The One Network Road Classification²⁰ introduced by **Ms Hilliard**, also describes the regional road function as a Regional Connector, roads which *'make a major contribution to the social and economic wellbeing of a region and connect to regionally significant places, industries, ports and airports'*. The evidence of **Mr Church**²¹ describes the traffic and pedestrian environment including the seasonal traffic peaks, high volume (higher than 10,000 vehicles per day) and road characteristics with a high percentage of heavy vehicles.
- 7.5 I consider the Main Street frontage of the site is well established within the streetscape, and whilst the existing dwelling sits back on the site, according to the

¹⁹ S42A report paragraphs 11 – 18 pg.'s 4-5

²⁰ [ONRCPMsgeneralguide.pdf \(nzta.govt.nz\)](#)

²¹ Church Evidence in Chief section 5, para's 5.4-5.8.

Heritage Guide – Greytown²² that is typical and expected for a dwelling within the HHP together with a front garden, prominent tree(s), and low-level front boundary treatment. The site sits amongst commercial buildings and verandas, and because of the Copper Beech tree and other vegetation, the existing dwelling does not stand out on the street front. See **Figures 3 and 4**.



Figure 3: Main Street, site copper beech tree indicated by green arrow. Source: google street view 12/2022



²² South Wairarapa Heritage Design Guides; Heritage Guide – Greytown

Figure 4 – street view of the application site. Source: google street view 12/2022

7.6 From the street, the onsite trees and vegetation, together with the existing dwelling and buildings north along Main Street to the corner of Hastwell Street, substantially screen the rear of the existing FreshChoice supermarket building and loading area from view. The first real opportunity to view the supermarket is at the corner of Hastwell Street and SH2. See **Figure 5** below, however there is also a glimpse of the building between the properties at 132 and 130 Main Street.



Figure 5: view of the FreshChoice supermarket building from Hastwell St/SH2 intersection. Source: google street view 12/2022.

7.7 In terms of the of typical vehicle accesses in this location, there are numerous examples along Main Street. They are typically associated with small parking areas for commercial activities or accommodation. Some of these accesses are likely to provide for smaller service vehicles but none appear of a size and type that would be associated with large truck or truck and trailer freight sized delivery vehicles. The accesses at the nearby White Swan Hotel and Greyfriars accommodations are in the minority of examples of wider access onto Main Street, see **Figure 6** below and **Figure 2** above. Neither of these examples is wider than 5.5m. I accept the evidence of Mr Knott²³ however that the Greyfriars is an example where development within the site widens for parking, although I note the opened area has landscape trees and heritage style buildings as focal end features.

²³ Knott evidence in chief paragraph 7.12 and figure 5.



Figure 6 – access alongside the White Swan 5m wide access. Source: google street view 12/2022

7.8 In terms of the state highway context, including planning and investment, I rely on the evidence of **Ms Hilliard** which describes how this section of SH2 is managed. This includes the current pedestrian crossing upgrade project which will change the road environment the works for which will be carried out under designation Ds076. As this project is confirmed and funded, it should form part of the environment against which the application is assessed, the latest plan for construction is shown in figure 6 below.



Figure 7: current design details for pedestrian crossing upgrade on State Highway 2

7.9 **Ms Hilliard**²⁴ also outlines how the One Network Framework (**ONF**) applies to SH2, and how this framework underpins the management of and investment in future

²⁴ Hilliard Evidence in chief section 6, paragraphs 6.1-6.6.

transport infrastructure. For the Main Street of Greytown, the Waka Kotahi submission and evidence of **Ms Hilliard** advises the ONF categorisation is an Activity Street, combining both a movement function and a place function which provide “access to shops, entertainment venues, community facilities and commercial, trades and industrial businesses for everyone. People spend a significant amount of time, working, shopping, eating, residing, and undertaking recreation. They support medium to high levels of people walking, cycling, using public transport, or driving through the area.” **Ms Hilliard** also advises of the urban design approach Waka Kotahi would take in considering investment where an Activity Street categorisation exists under the ONF, explaining that investment in the proposed pedestrian crossing upgrade aligns with these principles.

7.10 **Ms Hilliard** also describes the relevancy and context of the state highway under the One Network Road Classification (**ONRC**), under which SH2, Main Street is a regional road. Such roads are considered to make a major contribution to the social and economic wellbeing of a region and are relied upon for through traffic function.

8 Assessment of Effects on the Environment

8.1 I consider the proposal gives rise to:

- Traffic and transport effects including effects on road safety, pedestrian and cyclist safety, and operational effects on the state highway; and
- Visual, streetscape, character and heritage effects.

8.2 As well as considering the above in relation to the Main Street environment and district plan policy guidance, I consider the matters raised in the Waka Kotahi submission.

Traffic and Transport effects

8.3 The Waka Kotahi submission, evidence of **Ms Hilliard**, **Mr Church**, and s42A report of Ms Fraser all raise concerns regarding safety for pedestrians and cyclists, operation of the state highway, and question the response of the proposal to shift onsite health and safety issues from within a property to the public street and road. All conclude the effects have not been satisfactorily mitigated by the proposal, and the s42A report concludes the effects are more than minor. **Mr Church**²⁵ considers that the on site vehicle servicing issues identified by the Applicant can be mitigated on site with no change to the SH2 network, and that a safe access/intersection

²⁵ Church evidence in Chief para 9.7.

cannot be achieved at the proposed location on the state highway. I note the proposal has not changed since public notification or in response to the s42A report.

- 8.4 Considering the effects of the new crossing location and associated use, I prefer the evidence of **Mr Church** and assessment of Ms Fraser as these assessments consider the access as a discretionary activity and consequentially include a full assessment of all applicable WCDP assessment criteria and a safe systems assessment of the proposed access. They further considered many applicable standards applying to access and intersections, whereas the assessment in the AEE and evidence of Mr Hills do not consider all these matters.
- 8.5 The ONF is a useful tool introduced by Waka Kotahi and **Ms Hilliard** advises how the classification tells us something of the street functions, notably at this location the street has a high pedestrian count in relation to that function, as well as a high level of through traffic. Following this advice, pedestrian priority should be a cornerstone of the street, and the provision of through traffic should be a cornerstone of maintaining state highway operations aligning with the through traffic function under the ONRC.
- 8.6 In turn the roading hierarchy of the WCDP reinforces the roll of the state highway in identifying a primary function of the road for through traffic. I note the relatively high percentage of heavy vehicles that run through the town centre on the state highway, as reported by **Mr Church**. When carrying out a site visit during a Tuesday mid-morning, freight trucks including laden logging truck and trailer units were not an uncommon sight running through the Greytown town centre.
- 8.7 The proposal would set a precedent in the commercial zone of Main Street for a *high-volume access* designed for cars and large freight delivery trucks (thus requiring a very wide access), at odds with the street function and at odds with the through road function of the state highway. The access would introduce safety issues that are unresolved. In a street survey of Main Street, I could not find another similar site access on Main Street. Access on Main Street in the commercial zone tend to serve small parking areas and do not appear to be associated with what the WCDP describes as vehicle-oriented activity as is proposed. The WCDP describes vehicle orientated activities as:

Vehicle Oriented Activities – a commercial activity in which the majority of business is derived from customers driving onto the site, such as service stations, vehicle and equipment hire centres or sales, and bulky goods retailing activities.

- 8.8 Bearing in mind the proposed level of vehicle activity anticipated, **Mr Church**²⁶ advises that a right turn bay is warranted to address road function and associated safety issues for vehicles turning right into the site. There is not sufficient space in the road however to accommodate that necessary upgrade. I therefore consider the traffic, road function, and associated safety effects cannot be avoided, remedied, or mitigated.
- 8.9 **Mr Church**²⁷ also helpfully quantifies and compares the existing onsite conflicts sought to be resolved by the Applicant with those created on the street by the proposal. This has been further clarified in the evidence of Mr Hills, confirming the number of truck deliveries anticipated and therefore the number of on-site conflicts between delivery trucks and customers is 5-7 delivery trucks per day. The number of street conflicts between vehicles turning into the site from Main Street and pedestrians on the street is estimated at around 500. That is an approximate 7,000% increase in conflicts with pedestrians. **Mr Church** identifies it is more appropriate for safety reasons to avoid these conflicts and the effects on the street and road altogether and resolve the onsite conflicts within the property.
- 8.10 Whilst **Mr Church**²⁸ expresses the opinion the proposed access is inappropriate and should not be allowed, helpfully offers another safety response which is to reduce the number of vehicles turning at the access in his assessment under district plan criterion 22.1.16(vi). **Mr Church** advises any approved access should be for egress only and restricted to delivery vehicles to reduce the volume of vehicles running across the footpath conflicting with pedestrians. I note, however that Ms Fraser identifies ongoing concerns with some aspects of this mitigation approach which **Mr Church** has addressed in his evidence.
- 8.11 In terms of the actual changes on the street (footpath) by the introduction of the access, it is not clear to me how the proposed crossing would be designed in response to the pedestrian conflicts identified. I note Ms Fraser²⁹ in her report, also raises this issue and further details on this matter from the Applicant would be helpful. Bearing in mind the guidance offered by **Ms Hilliard** on driveway design, referred to in my paragraph 5.4 above, I looked for examples on Main Street when undertaking a site visit. Most of the crossings I observed along Main Street provide pedestrian priority with continuous footpath across the access, and a dropped splay at the kerb, such as the example in **Figure 8** below. Very few have a splay occupying the full depth of footpath from kerb to boundary. **Mr Church**³⁰ assesses these

²⁶ Church evidence in chief section 9 Figure 6 Austroads warrant for tun treatments.

²⁷ Church evidence in chief section 9 assessment against WCDP criterion 22.1.16(1)

²⁸ Church evidence in Chief para's 9.55 – 9.67.

²⁹ Fraser s42A report paragraph 4.2(e) pg. 4

³⁰ Church evidence in chief para's 9.44-9.48.

matters in detail and concludes that further detail is required determine whether a satisfactory design can be achieved within the Main Street context.



Figure 8- kerb crossing example at Cahoots Café 97 Main Street, Greytown, 3.5m wide with partial apron at the kerb and footpath running through behind. Source, google maps December 2022

8.12 As the application site has two other access points on local roads, and the Hastwell St/SH2 intersection adequately caters for customers arriving to the supermarket from SH2, just 50m from the proposed site access, there does not seem to be any justification to parallel that vehicle movement. **Ms Hilliard**³¹ has provided urban design guidance from Waka Kotahi, which explains the inappropriateness of this access location. Whilst a pedestrian might appreciate not having to walk the extra distance, driving a car the extra distance would be negligible. The transport network will not benefit from the introduction of the proposed vehicle access, but in my view would benefit from the addition of a shared walking and cycling connection. All experts seem to align on this matter, however **Mr Church**³² further identifies how such a connection would need to support wider pedestrian connectivity to avoid other safety effects the connection may introduce. There are several pedestrianised connection examples located along Main Street, one of which I refer to in **Figure 9** below.

8.13 **Mr Church** considers the context of SH2 as part of local cycle route, a mode of transport that is gaining increased awareness and patronage along with the development of cycle technology such as e-bikes, and cycle pathways supported by

³¹ <https://www.nzta.govt.nz/about-us/about-waka-kotahi-nz-transport-agency/environmental-and-social-responsibility/urban-street-guide/about-the-guide/>

³² Church evidence in chief 9.65-9.69 and figure 8.

South Wairarapa, Carterton and Masterton Councils. The Waka Kotahi proposed pedestrian crossing design includes cycle lane components, which further highlights the need to consider cycle transport in any access design.

- 8.14 Clause 6(1)(a) of the fourth schedule RMA requires that an assessment of the activity's effects on the environment must include a description of any alternative locations or methods for undertaking the activity if the activity will result in any significant adverse effect on the environment. I am satisfied, having considered the evidence of **Mr Church** and **Ms Hilliard**, and the report of Ms Fraser, that there will be traffic and safety effects that are reasonably significant such that an assessment of alternative methods should have been provided within the application AEE. Several approaches could be explored by the applicant to address and resolve the onsite traffic issues of concern to Woolworths (as discussed by **Mr Church**), and it could still be useful to see a comparison of alternatives.

Visual and streetscape effects and heritage matters

- 8.15 The Waka Kotahi submission does not address heritage matters but does raise the issue of compatibility of the access within the street context, including the width of the proposed crossing (necessitated by truck use), the appropriateness or otherwise of the vehicular activity turning across the footpath on Main Street, and the broader effects of onsite activities being more visually prominent on Main Street through the new signage and the general opening of the site with access and driveways attracting customers. The heritage matters are interrelated with proposed on site development and width of the vehicle access necessary to ensure delivery trucks can make the turn into the site.
- 8.16 I disagree with Ms Knight³³ that the proposed access, loading dock reconfiguration, the new canopy and perimeter wall are permitted activities for which there are permitted baseline effects. Notwithstanding the removal of the existing dwelling, which is confirmed by Ms Knight as requiring resource consent, the effects of which would expose the existing FreshChoice building in view from Main Street, along with all aspects of the building extension and loading bay structures set against a relatively opened site (combined driveway width of 13m), the effects arising from all aspects of the proposal are a discretionary activity and require assessment.
- 8.17 Considering the streetscape context as described in section 7 above, the proposal will deepen the setback of onsite buildings, introduce a direct view of the supermarket building with demolition of the existing dwelling and landscaping, and introduce additional building extensions in the cantilevered canopy and loading bay

³³ Knight evidence in chief para 7.3(a) and (b).

extension (of some estimated 312m² area) with a surrounding 2.4m tall perimeter wall. Whether the removal of the existing building is appropriate in the context of the HHP does not assist in the assessment of the introduced effects from the proposed vehicle-oriented access, driveways and buildings that replace it, the proposed mitigation for which is retention of an existing Copper Beech tree, the low level boundary wall, additional landscaping (unspecified), a 70cm reduction in the width of the vehicle access and removal of carparks from the proposal that was originally lodged with Council. It is noteworthy that the proposed pedestrian connection does not affect the building setback as it runs down the southern side boundary aside from all other development aspects.

- 8.18 Whilst I agree with Ms Knight³⁴ that the proposal represents a similar break in the built form at the Main Street edge of the site as what exists, because of the residential activity there is a front garden enclosing the property. I do not agree that the deepening of the setback is similar in context to the existing setback, and the visual effects of the development from the street will be substantially different by comparison. I do not consider that the proposal avoids, remedies, or satisfactorily mitigates the effects of the proposed development on the character and visual qualities of the streetscape of Main Street, nor does it maintain or enhance the Main Street environment for the reasons outlined further below.
- 8.19 The proposed driveways and pedestrian footpath has a total width of 18m across the site where it meets with the loading bay wall and will be the first land use within the commercial zone of Greytown to be used for freight sized trucks and a vehicle oriented land use. The proposal is not comparable to any other access or property development within the Commercial zone that I could find because no other vehicle access and associated driveways penetrate through the block to West Street. **Ms Hilliard** and **Mr Church** explain this proposed vehicle thoroughfare in their evidence, and **Mr Church**³⁵ provides a helpful diagram which shows the thoroughfare and associated connections and conflict points.
- 8.20 Mr Knott³⁶ on the other hand, has compared the proposed site development to the property at 138 Main Street, the Greyfriars motel complex for which he provides a front on view from the road or street in Figure 5³⁷ of his evidence. I note the accommodation land use this access serves is quite different from a supermarket and quite different from the proposed thoroughfare. The Greyfriars driveway and hard stand area, whilst wide and open, terminate at the end with a tree and small

³⁴ Knight evidence in chief para 7.7-7.8.

³⁵ Church evidence in chief Figure 3.

³⁶ Knott evidence in chief paragraphs 7.12-7.13, pg. 22.

³⁷ Knott evidence in chief Figure 5.

heritage style looking buildings. I further note the access on the street is much (around 3m) narrower than what is proposed by the Applicant. It would be useful to see a view of the proposal with a straight on perspective through the 8m-13m wide driveway to fully appreciate the comparison, which I discuss in more detail below.

- 8.21 The next nearest examples of a wider access and vehicle driveway / parking from Main Street is 124 Main Street and then a further 400m to the north at 67 Main Street. Again, neither of these developments have thoroughfares connecting to West Street and are not associated with high volume vehicle orientated land use or access. I also find these examples are the exception and not the rule to driveway and access design and use on Main Street.
- 8.22 The proposed deeper setback of buildings from the street, coupled with a dominant vehicle use of the property will expose the utilitarian buildings and loading bay activity, which in my view is at odds with Heritage Guidance – Greytown³⁸ advising that “*new additions or alterations to buildings on the street should respect the form and scale of existing heritage buildings*”. The guidance goes on to advise that setbacks are typically associated with dwellings, churches, or public buildings (as is currently the case), whereas the proposed setback is associated with a driveway, a supermarket loading bay, and a vehicle access.
- 8.23 Whether one considers the buildings to be ‘industrial³⁹’ or ‘commercial⁴⁰’ in nature is immaterial and I disagree with the approach of Ms Knight⁴¹ because although the commercial zone might permit buildings of a certain size and not limit their character and construction style, the fact the site is within a heritage precinct as well as the commercial zone, applies those very criteria by virtue of the HHP and discretionary activity status of the proposal. The proposed extensions and wall, whilst not on the street edge, frame and are within the HHP. Both are of a built form designed with the utility of the loading bay in mind. Even though Mr Knott⁴² has explained the design of the building extension, little is made of the perimeter wall at 2.4m in height and I am not convinced the approach to this site development accords with the HHP.
- 8.24 The photomontage ‘2-view from main street’ in the application plans, is a slightly oblique perspective in what appears to be a view from the road opposite the Copper Beech tree rather than looking through the access and down or across the driveway. The landscaping shown in this view is not confirmed on any plan in the application. The street views offered by Mr Knott in his figures 3 and 4, do the same, show the

³⁸South Wairarapa Heritage Design Guides; Heritage Guide – Greytown

³⁹ S42A report para's 81 and 89

⁴⁰ Ms Knight evidence in chief para's 7.11 - 714

⁴¹ Knight evidence in chief para 7.13.

⁴² Knott evidence in chief para 5.2(j).

existing site context along the street with existing vegetation obscuring and enclosing the frontage. There is no view offered in the AEE or evidence of Ms Knight or Mr Knott showing a straight on view of the site and proposed development from the street. i.e., the pedestrian view from the footpath looking down the wide driveway. The architectural plans and elevations provided with the application do not give a site context.

- 8.25 Given the high pedestrianised nature of the street environment, and the pedestrian priority purported to be a part of the proposal, the experience of pedestrians along the street is an important part of the receiving environment and I consider this perspective needs more attention. Additional information would help to clarify what Mr Knott⁴³ describes will be 'glimpses' of the supermarket building and service yard gates from the street. Should on site landscaping be proposed that would screen the proposed development, that should be clarified in a landscape plan. At the same time, I would point out that the proposed pedestrian path should be designed in consideration of the CPTED guidelines, and that may influence the type, location and height of plants and landscaping on site if observation of the pedestrian pathway is to be maintained for safety reasons.
- 8.26 Given the open nature of proposed site development and the unknown plant types for the landscaping between driveway and pedestrian pathway, I hold the view there is likely to be more than just a glimpse of the supermarket building and the extended canopy and perimeter wall. Further information from the applicant on this matter would be of use and would aid in the assessment of the effects of the proposal on the character and amenity of the streetscape of Greytown in the HHP context, bearing in mind none of the proposed structures, driveway or the access are permitted.
- 8.27 Concerning the width of the proposed vehicle access and its appropriateness or not in the HHP I disagree with the approach taken by Ms Knight⁴⁴ in respect of applying any vehicle access width standards of the WCDP when assessing the visual and character effects of the proposal. The proposed access is not permitted. Relying on Appendix 5 to justify the appropriate width of an access within the HHP, an access which is entirely discretionary, is irrelevant and not a productive baseline test by which to confirm the appropriateness of it when considering the impact or otherwise

⁴³ Knott evidence in chief para 6.2(e)

⁴⁴ Knight evidence in chief para 7.34

of the visual effects of the proposal on the HHP values and streetscape character and amenity. I concur with Mr Bowman in his report⁴⁵ that -

“...the proposal to create an 8.3m wide industrial style access within a HHP site is actually contrary to the aims and desired outcomes of the HHP as it is not even envisaged or contemplated by the Design Guidelines’

8.28 Furthermore, I note that the AEE does not assess all proposed building development in view from Main Street under the relevant assessment criteria of the district plan, bearing in mind the building extensions and development are a discretionary activity. The assessment criteria in section 22.1.4 of the district plan are:

22.1.4 Historic Heritage Precinct

- (i) The nature, form and extent of the proposed activity and the extent to which it is consistent with the environmental outcomes intended for the relevant precinct.*
- (ii) Any measures proposed to protect or enhance the character of the street, including the implementation of any planting or landscaping.*
- (iii) For sites within Greytown, Martinborough and Featherston, the extent to which the proposal is consistent with the principles of the South Wairarapa Town Centres Design Guide (Refer Appendix 8).*
- (iv) Where a proposal involves the addition or alteration to a building, or the erection of a new building, the proposal’s consistency with the original age, design and construction of the building or feature or its consistency with the other buildings in the precinct or area.*
- (v) The effect of subdivision on the values of the Historic Heritage Precinct in terms of maintaining historical integrity and the curtilage of the precinct.*
- (vi) The extent to which the heritage value, integrity and character of the Historic Heritage Precinct will be maintained or enhanced.*

8.29 As no subdivision is being contemplated, I do not consider criterion (v) applicable.

8.30 Mr Bowman considers the proposal is inconsistent with the Appendix 8, further to that Mr Bowman considers the land use proposal is of the type not even envisaged by the outcomes desired in Appendix 8 or the HHP. Relying on this evidence I consider criteria (i), (iii) and (vi) above are not achieved. This differs from the view of Mr Knott; however, I am persuaded by the view of Mr Bowman as he does not include a balancing of heritage issues against the onsite vehicle health and safety issues that Woolworths seeks to resolve with the new access. Preferring the report of Mr

⁴⁵ S42A report by Bowman para’s 69-74 and 81-82.

Bowman, I consider the proposal does not achieve Appendix 8 Section 35.1.2(ii) which states that one of the aims of the HHP is to:

To protect, conserve and sustain places of heritage value, visual appeal and environmental and social significance, including buildings and objects, gardens and landscape settings, and streetscapes.

8.31 Considering the matter in criterion (ii), the measures proposed to protect or enhance the character of the street include retention of the low-level wall, implementation of planting or landscaping for which there are no details, and retention of the Copper Beech tree which could otherwise be removed. The proposed landscaping will sit either side of the driveway and a direct 8.3m wide view will be available down the driveway to the buildings. Whether the proposed mitigation measures are sufficient to address the effects on the HHP and the character and amenity values of the street and Greytown town centre, are in contention and in my view insufficient information has been provided by the applicant on the actual view of the proposal from the street.

8.32 Whilst I do not disagree with Mr Knott that the cantilevered structure has been designed in a minimal way considering the scale of the building to which it attaches, I am not convinced that a view of the whole of the loading dock will 'protect, conserve and sustain' the streetscape within the HHP. Nor am I convinced that the proposed landscaping and retention of the Copper Beech are sufficient mitigation. As a comparison, where other locations along the street have been opened for pedestrian use, the sides of the space are typically flanked by interactive frontages and the end of the space emphasised by a focal feature, such as a tree. The access at the Greyfriars also achieves at least this end focal point. An example a pedestrianised space is provided below in **Figure 9**.



Figure 9 – example of a pedestrianised space between 78 and 76 Main Street. Source: google maps 12/2022.

- 8.32 I concur with the findings in the s42A report⁴⁶ that the proposal will result in adverse visual effects on the streetscape. And whilst I agree with Mr Knott that other opened frontages do exist, none of them are associated with a thoroughfare and I do not consider the proposed mitigations are sufficient.
- 8.33 Little has been mentioned of the movement of cars sweeping across the site on the driveway as a visual effect and change in sense of place, along with trucks in the loading bay, the combination in my view will further deteriorate the character and sense of place of the wider area. The Main Street is predominantly interspersed with enclosed, narrow, low volume vehicle accesses or public pedestrianised spaces and setback public buildings with public forecourts. There are but a few examples of more open accesses and none of them is a thoroughfare.
- 8.34 In respect of the proposed sign, I do not consider it is of a size, proportion, or scale that would result in any significant adverse visual effect on the streetscape compared to the width of the proposed access, breadth of driveways, visible vehicle movements and scale and character of proposed buildings and structures. Noting there are effects on heritage values as assessed by Mr Bowman, the sign by comparison with other aspects of development will have little adverse effects on the streetscape in my view, and some signage would be useful for shared path wayfinding.
- 8.35 An alternative approach to site development that avoids the competing resource management issues of traffic and pedestrian safety; and access and driveways with urban design and heritage; and which potentially better addresses the aims of the HHP would be with a FreshChoice shopfront designed to accord with the values of the HHP and streetscape context. As anticipated with commercial activities, a shop could have signage on the front of its building (albeit signs may require resource consent) and the proposed pedestrian connection to the main supermarket building could be maintained. This is not a fanciful option based on the evidence of **Mr Church**, who advises that onsite mitigation of delivery vehicle safety issues is possible without the proposed access, and customer vehicles are adequately catered for from Hastwell and West Streets. All round I consider a shop and pedestrian path connection would be a more appropriate commercial, streetscape and heritage approach whilst raising the FreshChoice profile on Main Street. I note

⁴⁶ s42A report, Visual effects assessment, paragraphs 89-90, pg. 35

this point is also raised by Ms Clarke⁴⁷ in the s42A officers report. It would be useful for Woolworths to comment on such an option at the hearing.

9 Objectives and Policies of the Relevant Plan

- 9.1 I consider the objectives and policies of the WCDP for the commercial area (and relatedly Heritage), and transport sections of the district plan as the matters of most relevance within the scope of the submission by Waka Kotahi. I have not considered interzone management and I do not consider that chapter 18⁴⁸ is relevant because the application site is not the subject of urban growth or a future urban area.
- 9.2 In the commercial zone, Objective Com1 deals with character and amenity values whilst objective Com6 is specific to the South Wairarapa Town Centres. The policy framework under these objectives strongly supports the maintenance and enhancement of character and function of the commercial zone and town centres. Objective Com6 is more specific to the South Wairarapa Town Centres and their heritage values. This objective is supported by Com6 policies including an avoid policy (6.3.17 Com6 Policies (c)) which seeks to avoid development that is out of character with the historic heritage values of the Town centres, including Greytown.
- 9.3 Based on my assessment above, including assessment criteria, and preference for the heritage assessment of Mr Bowman, I consider the proposal to be contrary to the commercial zone policy direction and that the proposed mitigations are insufficient in dealing with the effects on the function and character of the commercial zone of Greytown. The development of utilitarian structures that are highly visible from the street is out of character with the historic heritage values of Greytown and therefore directly contrary to the policy that seeks to avoid such effects. I disagree with the commercial zone policy assessment provided as Appendix C in the evidence of Ms Knight. Specifically, I consider the 20m to 30m setback of on-site development to be at odds with the established and predominant development patterns along the street; and that a busy customer driveway to a supermarket sweeping across the site is significantly at odds with the character and amenity values of the Greytown commercial zone and Town Centres character. I do not consider that that width of the access, proposed landscaping and retention of the Copper Beech tree are sufficient mitigation to these effects.
- 9.4 Objective Com2 of the commercial zone seeks '*To ensure efficient pedestrian flows, traffic movement and parking within Commercial Zone.*' Policies that give effect to this objective seek to ensure all activities have the utility areas they require whilst

⁴⁷ s42A report paragraph 110, pg. 38

⁴⁸ WCDP section 18 Subdivision, land development and urban growth Section

maintaining a predominance of building over parking areas in town centres, enhance pedestrian safety and convenience and ensure activities are accessible without compromising the safe and efficient operation of the network. Based on my assessment above and relying on the expert opinions of **Mr Church**, Ms Fraser and Mr Bowman, and the corporate evidence of **Ms Hilliard**, I consider this policy direction will not be achieved by the proposal. I disagree with the commercial zone policy assessment provided as Appendix C in the evidence of Ms Knight. Specifically, I am not convinced that the access has been designed with pedestrian priority in mind as it has not been shown that the footpath will be continuous across the access. Furthermore, **Mr Church** explains in his evidence how the turning movements are likely to impede the flow of traffic along SH2 creating safety issues.

- 9.5 Section 10 of the WCDP deals with Historic Heritage. Objective HH1 – Historic Heritage Values seeks to recognise and protect these values with implementing policies including key guidance on how to manage these values. I rely on and prefer the evidence of Mr Bowman on heritage issues, as discussed above, and agree that the proposal is contrary to this policy direction. The proposal offers insufficient mitigation and the site layout attributes of the site, which contribute to the HHP, will be disrupted. The commercial utilitarian building revealed by the demolition of the existing dwelling and landscaping, alongside of opening the site for access and driveway sweeping across the site is at odds with policy HH1. I do not concur with the conclusions reached by Ms Knight in her Appendix C, and I consider the proposal comprises inappropriate development for the HHP.
- 9.6 Section 17 of the plan deals with Transportation. The introduction to the is section states *“The function of a road within the hierarchy and the impact of new activities on its operation are vital considerations.”* SH2 is a Strategic Arterial Road, top of the four in the hierarchy. The Objective TT1 – Managing the Road Network, and the related TT1 Policies seek to manage the hierarchy and land uses in relation to roads; establish controls and standards on land use and access to avoid, remedy or mitigate effects on the safe and efficient functioning and operation of the road network, and support and encourage the safe provision of non-vehicular forms of transport within the network. I consider that management of land use in this case is pertinent to the roading hierarchy, and the proposed access for both customer and delivery vehicles is at odds with the roading hierarchy especially because there is already adequate access on the local side roads which are lower down in the roading hierarchy and a more appropriate location for site access.
- 9.7 I disagree with Ms Knight in her Appendix C assessment, specifically with Policy TT1(b) & (c) assessment (controls and standards to address effects on the safe and efficient function and operation of the road network). Ms Knight considers *‘the*

crossing design in particular, is wholly consistent with the relevant controls and standards' and accordingly meets the policy direction. In my assessment, the proposed access fails several standards and conditions of the WCDP that seek to control the effects of site access and associated vehicle movements. I therefore contend that the proposal is not at all consistent with the relevant controls and standards, the effects of which have been assessed by three traffic engineers and I am persuaded by the evidence of **Mr Church** and the report of Ms Fraser on these matters.

9.8 The proposal does accord with the policy direction TT1(e) in the provision of the shared path link between Main Street and the supermarket carpark and I note that all planning and traffic experts and Council officers seem to be aligned on this point.

9.9 In summary I find that the proposal is contrary to several objectives and policies, namely:

- 6.3.1 Objective Com1 and 6.3.2 Com1 policies (a) and (b)
- 6.3.4 Objective Com2 and 6.3.5 Com2 policies (a), (c)
- 6.3.16 Objective Com6 and 6.3.17 Com4 policies (b), (c) and (d)
- 10.3.1 HH1 Objective and 10.3.2 HH1 policy (b)
- 17.3.1 Objective TT1 and 17.3.2 TT1 policies (a), (b) and (c)

9.10 I also find that the proposal is in keeping with the following:

- 17.3.1 Objective TT1 and 17.3.2 policy (e)

9.11 Whilst I acknowledge there are relevant policies in the Regional Policy Statement for the Wellington region in respect of Objective 15 for Historic Heritage, and Objective 22 for Regional form, design and function; having assessed the effects of the proposal in respect of these matters and considered the WCDP objectives and policies, I do not consider a thorough assessment of RPS matters is essential and

that all effects of the proposal can be adequately guided by local level policies found in the district plan.

10 Comment on proposed conditions

10.1 I have read the conditions that Ms Knight has appended to evidence. I comment on these as follows:

- a. Condition 1 – to carry out the activity in accordance with the plans and AEE submitted. The AEE assumes that an access can be designed and built to maintain pedestrian priority on the street. According to the evidence of **Mr Church**, this is not possible to achieve and therefore condition 1 is contrary and unachievable.
- b. Conditions 3 and 4, Landscape Plan – landscaping is a key mitigation to the effects of the proposal and should be submitted for consideration at the hearing rather than conditioned. It should consider CPTED matters in relation to the pedestrian path.
- c. Condition 35-36 Loading Dock hours – 7am to 7pm. Considering the evidence of Mr Church, these hours would be inappropriate and should be revised.
- d. Condition 40, Engineering design and approval – an access design should be submitted for consideration and assessment at the hearing. Any design found to be acceptable after due consideration of traffic safety and efficiency effects, should then be conditioned. Noting the conditions in Appendix 5 of the WCDP, the access design should be approved by Waka Kotahi.
- e. Condition 47, Vehicle access – according to the assessment of **Mr Church**, Appendix 5 of the WCDP does not contain any suitable standards by which to design a vehicle access for the proposed use. **Mr Church**, or indeed **Mr Church** and Mr Hills together, will be able to advise on what the suitable standards are.

10.2 Further to the above, there are a number of matters identified by **Ms Hilliard** that consent conditions may need to cover depending on what consent is granted for, i.e. the proposal as it stands or an amended version thereof. Matters of stormwater neutrality, pavement strength, access design, changes in the road carriageway

including cycle lane markings, parking, and no stopping lines; would all need to be covered by conditions.

11 Part 2 RMA analysis

- 11.1 I consider that the WCDP adequately reflects the provisions of part 2 of the RMA, considering all resource management issues. It is therefore unnecessary to assess the proposal against Part 2 of the RMA, but I have provided some brief comments in case the Commissioner considers a Part 2 assessment is required. In my view, the part 2 matters most relevant to the proposal are health and safety (section 5), historic heritage (section 6) and amenity (section 7).
- 11.2 **Section 5, Purpose of the Act:** is the promotion of the sustainable management through managing the use, development and protection of natural and physical resources whilst enabling people and communities to provide for their social, economic, and cultural wellbeing and their health and safety. Whilst the FreshChoice operations may have on site health and safety issues to resolve, the proposal for which resource consent is sought would substantially increase the health and safety issues within the public transport network and create still bigger issues. Overall, I consider the proposal does not satisfactorily avoid, remedy, or mitigate the adverse effects of the proposed activities on the environment and over estimates the health and safety issues on site compared to those created on the street in the proposal.
- 11.3 **Section 6, Matters of national importance:** s6 specifically identifies the protection of historic heritage from inappropriate subdivision, use and development. The evidence of Mr Bowman is that the proposal does not protect the impacted historic heritage in Greytown. I understand that the 'appropriateness' of any subdivision, use and development should be judged based on the heritage values impacted, and cannot be determined based on other matters such as on-site health and safety effects.
- 11.4 **Section 7, Other matters:** s7 specifically identifies the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources. The proposal does not adequately assess the amenity values of Greytown associated with the commercial street experience and sense of place established on the streetscape. Interrelatedly, the view of the back of a utilitarian building and loading area is at odds with the quality of the built environment sought to be maintained at this location and the finite characteristics of this circa 1854 historic

heritage town which is described in Appendix 8⁴⁹ of the WCDP as “*claimed to be the most complete wooden Victorian main Street in New Zealand*”. Whilst the proposal does not demolish a protected heritage building, the proposed utilitarian loading bay and associated buildings and structures will sit alongside wooden protected heritage buildings on the neighbouring properties. The proposal would not maintain or enhance the quality of the surrounding environment and would affect the setting of the neighbouring protected heritage buildings. The proposal does not offer sufficient remedy or mitigation of these effects.

11.5 Overall, I do not agree with Ms Knight’s assessment and I consider that the proposal is inconsistent with the purpose and principles in Part 2 of the RMA.

12 Conclusion

12.1 I consider the environmental effects of the proposal do not accord with the policy direction of the WCDP, and the effects are not remedied or mitigated by the proposal.

12.2 Furthermore, it is my opinion the applicant should consider a range of alternative ways in which to address the onsite health and safety issues other than to develop a vehicle orientated land use on the Main Street of Greytown.

12.3 Should the Commissioner come to a different conclusion and find that resource consent could be granted, I consider that substantial changes to the proposal would be required to address the effects on the safe and efficient operation of the road and the street and the wider transport network.

12.4 Whilst the physical effects on the streetscape will be difficult to resolve with such a wide vehicle access, it is my opinion the following changes should be considered if the Commissioner comes to a view resource consent can be granted:

A. Remove the vehicle access on Main Street and request a new set of plans showing alternative site mitigation for removal of the existing building;

OR

B. Require the operational direction of the access to change from a site entry to a site exit and reduce the width of the access further.

C. Require the access to be available for delivery vehicles only.

⁴⁹ WCDP Appendix 8 35.1.1 (a) Greytown 1854.

- D. Requiring a management plan to govern the service vehicle use of the access.
- E. Require a landscape plan to confirm its effectiveness in addressing character and amenity effects.
- F. A requirement to form a shared path connection between West Street and the FreshChoice carpark and the Main Street of Greytown, ensuring it meets with the guidelines for CPTED.



Kathryn St Amand
BREP, MNZPI

22 September 2023

APPENDIX A – List of relevant standards and guidance documents

- Austroads guide to road design
- Waka Kotahi NZ Planning Agency - Planning Policy Manual 2007
- Waka Kotahi NZ Planning Agency – Design guidelines for Driveways
- Ministry of Justice, National Guidelines for Crime Prevention through Environment Design in New Zealand
- Waka Kotahi NZ Planning Agency - One Network Framework
- Waka Kotahi NZ Planning Agency – One Network Road Classification
- Waka Kotahi NZ Planning Agency – Aotearoa urban street planning and design guide

APPENDIX B – district plan appendix 8 heritage precinct

35 APPENDIX 8 – SOUTH WAIRARAPA TOWN CENTRES DESIGN GUIDELINES

35.1.1 Introduction

(a) Greytown (1854)

The first planned inland town in New Zealand, Greytown shares its cruciform layout with only one other, but is unique in that the pattern of development has left many early buildings and most historic sites readily accessible down to the late twentieth century.

Wairarapa's oldest known standing structure, dating from 1856, oldest surviving commercial structures (1865-67), and well-preserved later domestic and commercial buildings, with fine examples from each decade from 1870 to 1910, all contribute to what is claimed to be the most complete wooden Victorian main Street in new Zealand.

Just as being the birthplace of Arbor Day presupposes the existence of fine trees, Greytown being Wairarapa's first town also pre-supposes that it contained the district's first church, school, hospital - two of these three buildings still exist. Named after Governor Sir George Grey and founded on 23 March 1854, the settlement of Greytown by the Wairarapa Small Farm Association marked the first time that "workingmen and men of small means" successfully carried through the purchase and closer settlement of a large tract (25,000 acres) of rural land.

APPENDIX C – matters requiring resource consent

Important plan definitions:

Vehicle Oriented Activities – a commercial activity in which the majority of business is derived from customers driving onto the site, such as service stations, vehicle and equipment hire centres or sales, and bulky goods retailing activities.

Site – means any area of land comprised wholly in one Certificate of Title, or the titles of an activity if it occurs over more than one title.

Standard refers to the requirements for permitted activities to meet acceptable levels of environmental effect, and includes conditions and terms. Development standards relate to the effects of physical aspects of land uses, such as buildings and roading, while performance standards relate to the effects of the operational aspects of activities, such as noise and light

Relevant Rules:

1. Restricted Discretionary Activity consent is required for a land use in the Commercial Zone under Rule 6.5.5(b) for:
 - a. A new **sign** that exceeds the following permitted activity standards for the site in respect of the proposal being a vehicle orientated activity:
 - i) standard 6.5.2(f)(i)(1)(a) for more than one free standing sign on the site; and
 - ii) standard 6.5.2(f)(i)(1)(c) a sign of greater than 2m² in area that is illuminated.
 - b. A new **vehicle access** to the site from the Main St, SH2 frontage that exceeds the following permitted activity standards:
 - iii) Standard 6.5.2(g)(i) requiring adherence to standards within Appendix 5 Requirements for Roads, Access Parking and Loading, specifically:
 - Standards for Roads, Access, Parking and Loading which in South Wairarapa District, only one vehicle crossing is permitted per site and this proposal includes a 3rd proposed vehicle crossing. This standard supersedes that in 6.5.2(g)(ii).

- Standard 32.1.4 is not met because the intersection as designed will not be safe (as assessed by Ms Fraser and Mr Church); and because the access required the approval of Waka Kotahi which has not been forthcoming) according to Ms Hilliard.
 - c. A **new fence** that exceeds the maximum fence height standard under rule 6.5.2(d) limiting fences in a commercial zone but adjoining a residential zone to 1.8m in height. The proposed 12.8m long and 2.4m high acoustic fence on the southern boundary adjoins a residential boundary towards the end of the proposed pedestrian footpath, the extent of the fence within the residential zone is not entirely clear.
2. Restricted Discretionary activity consent is required under District Wide rule 21.4.14(a) for an **access** that does meet with the district wide activity standards of rule 21.1.25 as follows:
 - a. Standard 21.1.25(a) requiring al new access and loading area to be provided in accordance with eh provisions of Appendix 5. As identified in point 1.b(iv) above, Appendix 5 is not met; and
 - b. Standards 21.1.25(b) Access, requiring all sites and activities to have safe and practicable vehicle access from a public road. Whilst the existing two vehicle access points to the site are considered safe, the proposed vehicle access is not. Furthermore, under this standard vehicle crossings must also be positioned and constructed in accordance with Appendix 5, which is not achieved.
 3. Discretionary activity consent is required for a **commercial land use in a residential zone** under rule 5.5.5(a) as the loading zone is not a permitted activity under any other rule, and the existing loading zone will be reconfigured and expanded (albeit not within the residential portion of the site).
 4. Discretionary Activity consent is required under rule 21.6(a) for the installation of a new **sign** in the Historic Heritage Precinct (HHP) which exceeds the permitted standards for signs in the HHP:
 - a. Rule 21.1.3(b)(i) for exceeding the permitted 2m² area standard; and
 - b. Rule 21.1.3(b)(iv) for an additional sign on the site where only one is permitted, and for exceeding the 0.5m² area limit as the proposed sign is approximately 4.25m² in area.

5. Discretionary Activity consent is required under rule 21.6(g)(ii) for the **alternation of and addition to an existing building located within the HHP.**
6. Discretionary Activity consent is required under rule 21.6(g)(iv) for the demolition and removal of a building within the HHP.